



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

File: [REDACTED] Office: Nebraska Service Center Date:

AUG 21 2000

IN RE: Applicant: [REDACTED]

Application: Application for Refugee Travel Document Pursuant to 8 C.F.R. 223.2(b)(2)

IN BEHALF OF APPLICANT: Self-represented

Public Copy
Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

INSTRUCTIONS:

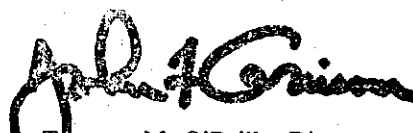
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS


Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The application for a travel document was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The applicant seeks to obtain a refugee travel document under 8 C.F.R. 223.2(b)(2). The director denied the application because the applicant failed to provide evidence that she was a refugee or asylee.

On appeal, the applicant states that her mother is seriously ill and she must travel to Guatemala as soon as possible. She submits a medical statement signed by a physician indicating that her mother's condition is serious.

8 C.F.R. 223.2(b) states, in pertinent part:

Eligibility. (2) Refugee travel document. (i) General. Except as otherwise provided in this section, an application may be approved if filed by a person who is in the United States at the time of application, and either holds valid refugee status under section 207 of the Act, valid asylee status under section 208 of the Act, or is a permanent resident and received such status as a direct result of his or her asylee or refugee status.

The director requested the applicant to submit evidence that she had been admitted, paroled, or granted status in the U.S. as a refugee or asylee. The director specified that if the applicant did not have an alien registration card, she was required to submit a photo identity document clearly showing her picture and identity information.

In response, the applicant resented photocopies of an employment authorization card and a Minnesota identification card.

The applicant has not established that she is in a valid refugee or asylee status or that she obtained permanent residence as a direct result of refugee or asylee status in the United States.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. 1361. The applicant has not met that burden.

ORDER: The appeal is dismissed.